

RECEIVEDUnited States District Court
STATE AND DISTRICT OF MINNESOTA

JUN 16 2010

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

10-mj-244 SKN

ALFREDO MARTINEZ-MARTINEZ

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about June 6, 2010, in Hennepin County, in the State and District of Minnesota, defendant, an alien who has previously been removed from the United States subsequent to a conviction for an aggravated felony, knowingly and unlawfully re-entered and was found in the United States without having obtained the consent of the Attorney General of the United States or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States,

in violation of Title 8, United States Code, Sections 1326(a) and 1326(b), and Title 6, United States Code, Sections 202 and 557.

SEE ATTACHED AFFIDAVIT

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

June 16, 2010 2:45 pm at

Date

The Honorable Susan Richard Nelson
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

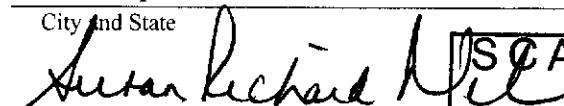


Signature of Complainant

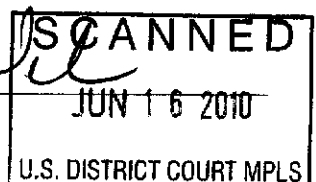
Dustin Halverson
ICE

Minneapolis, MN

City and State



Signature of Judicial Officer



STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

ss. AFFIDAVIT OF DUSTIN HALVERSON

Dustin Halverson, being duly sworn, deposes and states as follows:

1. Your Affiant has been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 1, 2007. On August 1, 2009, your Affiant was promoted to Deportation Officer.

2. As a Deportation Officer, your Affiant's duties and responsibilities include overseeing the cases of aliens in removal proceedings. Your Affiant is also responsible for reviewing alien files in connection with the detention and release of aliens in ICE custody.

3. This Affidavit is based on your Affiant's training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.

4. This Affidavit is made for the purpose of establishing probable cause in support of a criminal complaint and arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, your Affiant believes that probable cause exists to believe that, on or about June 6, 2010, in the State and District of Minnesota, Alfredo MARTINEZ-Martinez unlawfully re-entered and

was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and the defendant's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On June 9, 2010, I spoke with Deputy U.S. Marshal ("DUSM") Farris Wooten and learned that MARTINEZ-Martinez was arrested by Minnesota State Patrol on June 6, 2010, on an outstanding warrant out of the Northern District of California. MARTINEZ-Martinez was turned over to U.S. Marshals' custody on June 7, 2010. Later that day, DUSM Wooten e-mailed me USMS "booking sheets," photographs of MARTINEZ-Martinez, and fingerprints belonging to MARTINEZ-Martinez. MARTINEZ-Martinez's date of birth and Alien Registration number were contained in these records.

6. On June 9, 2010, using the information provided by DUSM Farris, including MARTINEZ-Martinez's A-number (AXX-XXX-067) and his date of birth, I conducted a computer check of criminal and immigration records and a review of MARTINEZ-Martinez's immigration file which revealed that the defendant is a citizen and national of Mexico. From my review of the A-file maintained on MARTINEZ-Martinez, I learned the following:

- a. On or about March 3, 1994, MARTINEZ-Martinez was convicted of Delivery of Heroin in violation of Revised Code of Washington 69.50.401(A)(1)(I) in the Superior Court of Washington for King County, and was sentenced to 21 months' imprisonment.
 - b. On or about January 23, 1995, MARTINEZ-Martinez was convicted of Illegal Reentry in violation of 8 USC 1325 in the United States District Court, District of Arizona, and was sentenced to 120 days' incarceration.
 - c. On or about January 24, 1997, MARTINEZ-Martinez was convicted of Illegal Reentry in violation of 8 USC 1325 in the United States District Court, District of Arizona, and was sentenced to 179 days' incarceration.
7. Continuing on June 9, 2010, I submitted the fingerprints belonging to MARTINEZ-Martinez provided to me by DUSM Wooten for comparison to the FBI. That same day, I learned that these fingerprints matched those contained in A-File AXX-XXX-067.
8. MARTINEZ-Martinez's immigration file indicates that he has been previously arrested and removed from the United States on multiple occasions. Included among MARTINEZ-Martinez's previous deportations and removals are the following:
- a. On August 13, 1990, the defendant was removed from the United States to Mexico through the San Ysidro, California port of entry.

- b. On June 26, 1995, the defendant was removed from the United States to Mexico through the Nogales, Arizona port of entry.
- c. On August 3, 2000, the defendant was removed from the United States to Mexico through the San Ysidro, California port of entry.
- d. On May 21, 2004, the defendant was removed from the United States to Mexico through the El Paso, Texas port of entry.

9. On June 16, 2010, I spoke with DUSM Douglas Lindh. From this conversation I learned that DUSM Lindh has both observed and interviewed MARTINEZ-Martinez and reviewed several warrants of deportation contained in the A-file maintained on MARTINEZ-Martinez. According to DUSM Lindh, the photographs of MARTINEZ-Martinez contained in A-File number AXX-XXX-067 match the individual identified as MARTINEZ-Martinez presently in U.S. Marshal's custody.

10. Based on my comparison of the booking photographs, date of birth, A-number, fingerprints and other identifying information belong to MARTINEZ-Martinez provided by the U.S. Marshal's with the photographs, date of birth, A-number, fingerprints and other identifying information contained in MARTINEZ-Martinez's A-File, I am confident that the individual who is referenced in those records is, in fact, the same person who was encountered on June 6, 2010 by

Minnesota State Patrol and is currently in United States Marshals Service custody.

11. Your Affiants investigation has revealed that since his most recent removal from the United States on May 21, 2004, MARTINEZ-Martinez has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

12. Based on these facts, your Affiant has reason to believe that the defendant, Alfredo MARTINEZ-Martinez, unlawfully re-entered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

Further your affiant sayeth not.



Dustin Halverson
Deportation Officer
Immigration and Customs Enforcement

Subscribed and Sworn to before me
this 16th day of June, 2010.



THE HONORABLE SUSAN R. NELSON
United States Magistrate Judge